

HOUSE BILL NO. 331

INTRODUCED BY B. EGGERS, NEWMAN, CALLAHAN, GALVIN-HALCRO, HURDLE, LASZLOFFY, LEE,
SCHMIDT, SMITH, STONINGTON, ERICKSON, CURTISS

BY REQUEST OF THE ATTORNEY GENERAL

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL OFFENSE OF THEFT OF IDENTITY;
AND PROVIDING PENALTIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Theft of identity. (1) A person commits the offense of theft of identity if the person purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, FINANCIAL INFORMATION, or medical information in the name of the other person without the consent of the other person.

(2) (a) A person convicted of the offense of theft of identity if no economic benefit was gained or was attempted to be gained or if an economic benefit of less than \$1,000 was gained or attempted to be gained shall be fined an amount not to exceed \$1,000, imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A person convicted of the offense of theft of identity if an economic benefit of \$1,000 or more was gained or attempted to be gained shall be fined an amount not to exceed \$10,000, imprisoned in a state prison for a term not to exceed 10 years, or both.

(3) As used in this section, "personal identifying information" ~~means~~ INCLUDES BUT IS NOT LIMITED TO the name, date of birth, address, telephone number, driver's license number, social security number OR OTHER FEDERAL GOVERNMENT IDENTIFICATION NUMBER, place of employment, employee identification number, mother's maiden name, financial institution account number, ~~or credit card number of an individual, OR~~ SIMILAR IDENTIFYING INFORMATION RELATING TO A person.

(4) If restitution is ordered, the court may include, as part of its determination of an amount owed, payment for any costs incurred by the victim, including attorney fees and any costs incurred in clearing the credit history or credit rating of the victim or in connection with any civil or administrative proceeding

1 to satisfy any debt, lien, or other obligation of the victim arising as a result of the actions of the defendant.

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3 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to
5 [section 1].

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